

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-346 SLR
)	
ACARTUS, INC. and EMC CORPORATION,)	
)	
Defendants.)	
)	

NOTICE OF DEPOSITION OF DAVID BARTON

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, counsel for defendants Acartus, Inc. and EMC Corporation shall take the deposition by oral examination of David Barton on November 30, 2006 at 9:00 am at the offices of Kramer, Levin, Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036, or on a mutually convenient date and time prior to December 1, 2006 to be agreed upon by counsel for the parties. The deposition will be taken before an officer duly authorized to administer oaths and will continue from day to day until completed. The deposition may be recorded by stenographic, audio and audiovisual means. You are invited to attend and cross-examine.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr.

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Dated: November 9, 2006
545010

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2006, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Kurt Michael Heyman
PROCTOR HEYMAN LLP
1116 West Street
Wilmington, DE 19801

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on November 9, 2006 upon the following individuals in the manner indicated:

BY E-MAIL AND HAND DELIVERY:

Kurt Michael Heyman
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/s/ James W. Parrett, Jr.

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